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AUG 24 2006

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO LOPEZ-CUEVAS and
ANTELMO ONTIVEROS,

Defendants.

2:02 - CR - 418 GB

STIPULATION AND PROPOSED ORDER

Defendant Fernando Lopez-Cuevas, by and through counsel Krista Hart, and plaintiff United States of America, by and through counsel Assistant U.S. Attorney Carolyn Delaney, hereby stipulate that defendant's Ameline brief which is currently due on August 21, 2006, is now due on September 25, 2006.

Mr. Lopez-Cuevas went to trial before this Court in February, 2002. Attorney Gil Roquet represented Mr. Lopez-Cuevas during the trial. After the jury returned a guilty verdict, both defendants appealed their convictions. Attorney John Ward represented Mr. Lopez-Cuevas on the appeal. The U.S. Court of Appeals for the Ninth Circuit remanded the case to this Court in light of the holding in United

1 States v. Booker, 125 S.Ct. 738 (2005). Pursuant to United States v.
2 Ameline, 409 F.3d 1073 (9th Cir. 2005) (en banc) this Court issued an
3 order on June 19, 2006, ordering the attorneys for all parties to file
4 briefs answering the questions raised in Ameline. This Court appointed
5 the undersigned to represent Mr. Lopez-Cuevas on June 13, 2006.

6 The undersigned has not had sufficient time to obtain and review
7 the materials necessary to answer the Court's question. The
8 undersigned has obtained materials and transcripts from the former
9 attorneys. However, Mr. Lopez-Cuevas has indicated that he has
10 material relevant to the issue. I have not yet received that
11 information from defendant. Therefore, I request the additional time
12 to obtain those materials from the client.

13 August 23, 2006

/s/ Krista Hart
Attorney for Fernando Lopez-Cuevas

15 August 23, 2006

McGregor Scott
United States Attorney

/s/ Carolyn Delaney
Assistant U.S. Attorney (per e-mail)

19 **ORDER**

20 Good cause appearing, it is so ordered.

21 Dated: August 23, 2006

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge